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Mike Chamness – Chair
Illinois Terrorism Task Force

ITTF POLICY STATEMENT 2008 (3)

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TO: Homeland Security Grant Program (HSGP) and
Infrastructure Protection Program Grantees

FROM: Mike Chamness, Chair
Illinois Terrorism Task Force

DATE: May 6, 2008

SUBJECT: Illinois Terrorism Task Force Policy Statement Regarding
NIMS Compliance and Ability to Receive FFY 2008 HSGP
and IPP Funding

INTRODUCTION:

Governor's Executive Order 2003 (17) created the statewide homeland security advisory committee, the Illinois Terrorism Task Force (ITTF). The ITTF is responsible for developing and helping to implement the state's homeland security strategy as an advisory body to the Governor and overseeing the management and administration of the Homeland Security Grant Program. The task force continues to build upon a strong foundation of established working partnerships among its over 60 members, which represent all public safety agencies and associations and every community in Illinois.

GENERAL POLICY STATEMENT:

Homeland Security Presidential Directive-5 "Management of Domestic Incidents" (HSPD-5) required the adoption of the National Incident Management System (NIMS) by all Federal departments and agencies. This directive also required that Federal preparedness assistance funding for states, territories, tribes and local jurisdictions be dependent on NIMS compliance. NIMS implementation is also linked to the National Response Plan (NRP), the Homeland Security Presidential Directive-8, National Preparedness (HSPD-8), and the National Infrastructure Protection Plan.

In federal fiscal year (FFY) 2005 and 2006, states self-certified that they were making a "good faith" effort to implement the NIMS. The self-certification compliance process was changed to specific performance-based metrics in FFY 2007, which will be monitored for compliance by the U.S. Department of Homeland Security (DHS). Additionally, the Federal

Emergency Management Agency (FEMA) Regional Offices have dedicated NIMS Compliance Point of Contacts who can provide technical assistance in implementing the NIMS and the NRP.

On the NIMS web site (<http://www.fema.gov/emergency/nims/index.shtm>), state and local entities can download various FFY 2007 NIMS implementation documents, and important steps that states, territories, tribes, and local jurisdictions must take during FFY 2007 (October 1, 2006 - September 30, 2007) to gain compliance. The document, "NIMS Implementation Matrix for States and Territories," identifies the state and territorial level NIMS compliance requirements. Another important document, "NIMS Implementation Matrix for Tribal and Local Jurisdictions," identifies the tribal and local level NIMS compliance requirements.

It is important to note that not all compliance activities identified in the matrices will have to be implemented in FFY 2007. The matrices clearly outline which activities must be implemented in FFY 2007 ("tier 1"), and those which governments should begin to work on as they will become required in FFY 2008 (any not identified as "tier 1"). Future refinement to the NIMS compliance metrics will evolve as policy and technical issues are identified and clarified at the national level. Successful implementation of the NIMS depends on the participation and integration of all state, territorial, tribal, local jurisdictions and community-based organizations, including public, non-governmental, and private organizations that may have a role in disaster preparedness and response. Equally important to this effort is establishing a seamless relationship between the NRP and the NIMS. Therefore, governmental entities that must comply with NIMS should identify and include appropriate organizations in their NIMS implementation efforts, including private sector emergency medical and hospital providers, transportation systems, utilities, and special facilities such as industrial plants, nuclear power plants, factories, military facilities, stadiums, and arenas.

VALIDATION OF STATE AND LOCAL NIMS COMPLIANCE

FEMA has advised Illinois, through an email from Albert H. Fluman, Acting Director, FEMA Incident Management Systems, National Integration Center, that they (FEMA) issued State and local NIMS implementation activities and corresponding measurement metrics to assist States in making NIMS compliance determinations. FEMA stated that it is the State's responsibility to issue and manage compliance determinations for their agencies and local jurisdictions. As for the allocation and award of funds, HSPD-5, Management of Domestic Incidents requires NIMS adoption as a condition of Federal Preparedness Awards. Therefore, it is the responsibility of the State Administrative Agency (SAA) to determine the impact of NIMS compliance on the release of FFY 2008 funds.

FFY 2007 NIMS COMPLIANCE REQUIREMENTS

A jurisdiction is not NIMS compliant until it has complied with FEMA's guidelines for FY 2007 as required by September 30, 2007. This process required the self-certification through the NIMS Compliance Assistance Support Tool (NIMSCAST). The NIMSCAST web site can be accessed at <http://www.fema.gov/nimscast/index.jsp>. The SAA will monitor on an ongoing basis the NIMSCAST self-certification listing for Illinois to ensure that only those agencies registered and in compliance with the FFY 2007 guidelines will receive FFY 2008 funding through the DHS Homeland Security Grant Program (HSGP) and Infrastructure Protection Program (IPP) grants.

IMPACT OF NIMS COMPLIANCE ON FFY 2008 FUNDING

In order to receive DHS HSGP and IPP funding in FFY 2008, the authorized representative of the recipient organization will be required to certify the organization is compliant with the NIMS requirements outlined for FFY 2007 and has completed and submitted all current NIMS compliance documents and self-certifications as established by FEMA and IEMA (29 Ill. Adm. Code 301.510). The recipient organization also will be required to certify the following NIMS requirements have been met prior to the receipt of an HSGP or IPP grant reimbursement.

1. Certify they have submitted a copy of the jurisdiction's local legislation, executive order, resolution, or ordinance formally recognizing NIMS and adopting NIMS principles and policies to the Illinois Emergency Management Agency.
2. Jurisdictions have established an account in the NIMSCAST; completed all Tier 1 FFY 2007 NIMS Compliance Metrics; and submitted the metrics for roll up.

The recipient organization will be required to maintain NIMS compliance throughout the performance period of the FFY 2008 grant, as established by FEMA, in order to receive funding for the approved project. Failure to maintain NIMS compliance within the performance period of the FFY 2008 grant will result in the termination of the appropriate grant agreement(s).

EXCEPTION TO THE POLICY

If there is an extenuating circumstance that would prevent a recipient organization from adhering to this policy, the authorized representative must submit a request in writing to the IEMA Director or ITTF Chair or his designee. The IEMA Director or ITTF Chair reserves the right to establish more stringent requirements for the receipt of a FFY 2008 grant based on programmatic and organizational needs.

EFFECTIVE DATE OF THE POLICY

This policy is effective as of October 1, 2007.